

Hon. Ronald B. Leighton

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

11	IN THE MATTER OF MOUSSA	)	No. MC08-5009-RBL
12	SYLLA, A# 93-436-832,	)	ORDER EXTENDING
13		)	ORDER GRANTING MOTION TO
14		)	PROVIDE INVOLUNTARY MEDICAL CARE,
		)	NUTRITION AND HYDRATION FOR INMATE

The Department of Homeland Security, Immigration and Customs Enforcement (hereafter "ICE") has requested an order extending the Order Granting Emergency Ex-Parte Motion to Provide Involuntary Medical Care, Nutrition and Hydration for Inmate dated May 13, 2008, in the above-captioned matter (Dkt. No. 5). The inmate in question, Moussa Sylla (A# 93-436-832), is currently incarcerated as a civil detainee at the Northwest Detention Center in Tacoma, Washington. Based on information submitted by ICE, I find that there is sufficient cause to believe that without a continuation of the requested medical testing and treatment, Mr. Sylla is in danger of irreparable injury and possible death. Mr. Sylla's current hunger strike poses a serious medical risk to himself.

A review of the applicable law reveals that ICE has an affirmative statutory and constitutional duty to care for and treat inmates in its custody. This Court has inherent authority to issue an Order requiring ICE to undertake this affirmative duty, which includes provision of forced feeding with plastic tubes through the nasal passage and/or by intravenous means. Such treatment should be limited to that which is medically necessary for Mr. Sylla.

ORDER GRANTING EMERGENCY EX-PARTE MOTION  
TO PROVIDE INVOLUNTARY MEDICAL CARE,  
NUTRITION AND HYDRATION TO INMATE - 1

UNITED STATES ATTORNEY  
700 Stewart Street, Suite 5220  
Seattle, Washington 98101-1271  
(206) 553-7970

1 Therefore, IT IS HEREBY ORDERED that ICE may continue to undertake the medical  
2 procedures and treatment described the Order Granting Emergency Ex-Parte Motion to Provide  
3 Involuntary Medical Care, Nutrition and Hydration for Inmate dated May 13, 2008 (Dkt. No. 5)  
4 until May 30, 2008, or until such procedures are no longer medically necessary, whichever  
5 occurs sooner.

6 It is further ORDERED that ICE shall provide a copy of this order to Mr. Sylla forthwith.

7 It is further ORDERED that the Government shall file a status report on or before May  
8 29, 2008, updating the Court as to Mr. Sylla's medical condition, at which time the Court will  
9 consider whether to extend the duration of said order.

10 DATED this 20<sup>th</sup> day of May, 2008.

11  
12  
13   
14 RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE

15  
16  
17 Presented by:

18 JEFFREY C. SULLIVAN  
19 United States Attorney

20 /s/ Robert P. Brouillard  
21 ROBERT P. BROUILLARD, WSBA #19786  
22 Assistant United States Attorney  
23 United States Attorney's Office  
24 700 Stewart Street, Suite 5220  
25 Seattle, Washington 98101  
26 Phone: (206) 553-7970  
27 Fax: (206) 553-4067  
28 E-mail: [robert.brouillard@usdoj.gov](mailto:robert.brouillard@usdoj.gov)